

REMARKS/ARGUMENTS

1. Summary of the Office Action

Examiner rejected claims 1-3, 6, 9-11, 19-22, 26, 31, and 37-40 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2002/0171737 to Tullis in view of U.S. Patent No. 6,606,669 to Nakagiri and further in view of U.S. Patent No. 6,353,848 to Morris.

Examiner rejected claims 4, 12, and 17-18 under 35 U.S.C. §103(a) as being unpatentable over Tullis in view of Nakagiri and further in view of Morris as applied to claim 1 above, and further in view of U.S. Patent No. 6,628,325 to Steinberg et al.

Examiner rejected claims 7-8 and 16 under 35 U.S.C. §103(a) as being unpatentable over Tullis in view of Nakagiri and further in view of Morris as applied to claim 1 above, and further in view of U.S. Patent Publication No. 2003/0142215 to Ward et al.

Examiner rejected claims 13-15 under 35 U.S.C. §103(a) as being unpatentable over Tullis in view of Nakagiri and further in view of Morris and further in view of Steinberg as applied to claim 12 above, and further in view of U.S. Patent No. 5,737,491 to Allen et al.

Examiner rejected claims 23-25, 29-30, and 32 under 35 U.S.C. §103(a) as being unpatentable over Tullis in view of Nakagiri and further in view of Morris as applied to claim 21 above, and further in view of Steinberg.

Examiner rejected claims 27-28 and 36 under 35 U.S.C. §103(a) as being unpatentable over Tullis in view of Nakagiri and further in view of Morris as applied to claim 21 above, and further in view of Ward.

Examiner rejected claims 33-35 under 35 U.S.C. §103(a) as being unpatentable over Tullis in view of Nakagiri and further in view of Morris as applied to claim 21 above, and further in view of Allen.

Examiner rejected claims 41, 43-45, 51, 59, and 62 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,005,613 to Endsley et al. in view of Nakagiri, further in view of Morris.

Examiner rejected claims 42, 49-50, 52, and 57-58 under 35 U.S.C. §103(a) as being unpatentable over Endsley in view of Nakagiri, further in view of Morris as applied to claim 41 above, and further in view of Steinberg.

Examiner rejected claim 46 under 35 U.S.C. §103(a) as being unpatentable over Endsley in view of Nakagiri, further in view of Morris as applied to claim 41 above, and further in view of U.S. Patent No. 6,535,243 to Tullis et al.

Examiner rejected claims 47-48, 56, and 61 under 35 U.S.C. §103(a) as being unpatentable over Endsley in view of Nakagiri, further in view of Morris as applied to claim 41 above, and further in view of Ward.

Examiner rejected claims 53-55 under 35 U.S.C. §103(a) as being unpatentable over Endsley in view of Nakagiri, further in view of Morris as applied to claim 41 above, and further in view of Steinberg and further in view of Allen.

Examiner rejected claim 60 under 35 U.S.C. §103(a) as being unpatentable over Endsley in view of Nakagiri, further in view of Morris as applied to claim 41 above, and further in view of U.S. Patent No. 6,529,969 to Inoue.

2. Response to § 103 Rejections

Regarding Tullis/Nakagiri/Morris combination, Applicants respectfully submit that there is no suggestion within the references themselves for the combination suggested by Examiner. In fact, Tullis teaches away from “establishing a communication session supporting photo-serving communication protocols that **present the digital camera device as a file server to the host device.**” In particular, Tullis states that “because of the inherent space limitations of a hand-held digital camera, memory capacity for storing frames of digital image data within the camera is limited.” (Tullis, paragraph 2.). Since the purpose of a file server is to store data and to provide access to the stored data to other devices, the statement in Tullis regarding inherent space limitations of a hand-held digital camera suggests that a hand-held digital camera is not suitable to act as a file server.

Since Tullis teaches away from such a combination by characterizing a digital camera as a device with inherent space limitations for storing frames of digital image, there is no motivation to include the use of a host server of Morris into Tullis. Therefore, Applicants respectfully submit that the combination is improper, and the claims cannot be rejected over Tullis in combination with Nakagiri and Morris. Applicants therefore respectfully request the withdrawal of this rejection.

Examiner stated that it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Nakagiri into the claimed invention of Tullis “in order to prevent the use of the wrong device driver” (Detailed Action P.4). In Tullis, the host computer is a conventional computer system that either has been *adapted for use with the digital camera* or is a *specially designed single used computer* (Tullis, paragraph 27). Because in Tullis, the host computer has been specially designed or adapted for use with the digital camera, there is no concern about using the wrong device driver. Therefore, one of ordinary skill in the art would not be motivated to incorporate the disclosure of Nakagiri into the invention of Tullis. Because the combination of Nakagiri and Tullis is improper, Applicants respectfully request the withdrawal of rejections based on such combination.

Furthermore, even in combination, Tullis, Nakagiri, and Morris do not make the present invention obvious. As noted correctly by Examiner, Tullis fails to disclose or suggest “based on said determined communication information, establishing a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.” Examiner states that Nakagiri (col. 4, ll. 48-58 and col. 7, ll. 6-17) discloses wherein the proper print driver is uploaded based on the information provided by the host computer. In particular, a proper printer driver program in Nakagiri is enabled to be uploaded “in accordance with the kind of OS” (Nokagiri, col. 4, ll. 54-57). It is submitted that selecting, “*in accordance with the kind of OS*,” a proper printer driver program for uploading is distinct from “establishing a communication session ... supporting photo-serving communication protocols” **“based on said determined communication information,”** as recited in claim 1.

Examiner further refers to the following passage in Morris:

... the present invention provides a method for making a digital camera and its internally stored data remotely accessible. The present invention enables the digital camera to be set to continuously take pictures of scenes and items of interest and to allow a user to access those pictures at any time. The present invention implements remote accessibility via a communication network such as the Internet, thus allowing the user to access the digital camera from virtually an unlimited number of locations and with the camera in virtually any location.

Morris, 23: 67 – 24: 9.

As is evident from the quoted text above, Morris fails to disclose or suggest **“based on said determined communication information,** establishing a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device,” as recited in claim 1. On the contrary, in Morris, there is no need for the digital camera to determine communication information, because, in Morris, it is an executable program residing on server computer system that implements and manages the connection between the server computer system, the client computer system, and the digital camera. (Morris, 7: 19-24.)

Because not every element of claim 1 is disclosed in Tullis, Nakagiri, and Morris, whether considered separately or in combination, claim 1 and its dependent claims are patentable in view of Tullis, Nakagiri, and Morris.

Claim 21 recites in part “**based on said determined communication information** ... establishing a communication session between the portable device and the particular host device,” and therefore claim 21 and its dependent claims are patentable in view of Tullis, Nakagiri, and Morris for at least the reasons articulated with respect to claim 1.

Examiner further added Steinberg, Ward, and Allen in rejecting claims dependent on claims 1 and 21 respectively.

Steinberg is directed at an apparatus to serve as an interface for enabling a user of a portable still and or video digital camera to send image data directly from the camera to a communication network for transmission and downloading to a remote network location or remote computer (Steinberg, 1: 43-48). Ward is directed at a network configuration file for automatically transmitting images from an electronic still camera (Ward, title). Allen is directed at an electronic imaging system capable of image capture, local wireless transmission and voice recognition (Allen, title). None of these references remedies the shortcomings of Tullis in view of Nakagiri and further in view of Morris, as discussed above with respect to claims 1 and 21. Therefore claims dependent on claims 1 and 21 respectively are not obvious over the references cited.

Examiner rejected claims 41, 43-45, 51, 59, and 62 under 35 U.S.C. §103(a) as being unpatentable over Endsley, in view of Nakagiri, further in view of Morris.

As noted correctly by Examiner, Endsley fails to teach “a communication module for establishing a communication session between the portable device and the particular host device.” Thus, Endsley also fails to teach “a communication module for establishing, **based on said determined communication information**, a communication session between the portable device and the particular host device,” as recited by claim 41 as amended. As discussed above, neither Nakagiri nor Morris, whether considered individually or in combination, disclose this element. Further, as also discussed above with respect to claims dependent on claims 1 and 21 respectively, additional references (i.e., Steinberg, Ward, and Allen) also fail to disclose this limitation. Examiner rejected

claim 60 under 35 U.S.C. §103(a) as being unpatentable over Endsley in view of Nakagiri, further in view of Morris as applied to claim 41 above, and further in view of Inoue. Inoue is directed at reception method and apparatus for searching various first and second source devices adapted to send data signals to analog and optical input terminals (Inoue, title) and fails to disclose or suggest the above limitation.

Therefore, claim 41 and its dependent claims are not obvious over the references cited.

3. **Conclusion**

Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional fees due in connection with this communication, please charge our deposit account no. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Elena Dreszer at (408) 947-8200 ext. 209.

Respectfully submitted,

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